

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

JOSE D. COLON,

Case No. 2:22-cv-01595-EJY

Plaintiff,

V.

KILOLO KIJAKAZI, Acting Commissioner of Social Security,

Defendant.

## ORDER

10 Before the Court is Plaintiff's Application for Leave to Proceed *in forma pauperis*. ECF No.

11 1. Plaintiff challenges the Social Security Administration's denial of Social Security Disability  
12 Insurance benefits.

13 Plaintiff submitted the declaration required by 28 U.S.C. § 1915(a) showing an inability to  
14 prepay fees and costs or give security for them. Plaintiff's request to proceed *in forma pauperis* is  
15 granted. Because Mr. Colon is represented by Counsel, his Complaint is not screened for  
16 sufficiency.<sup>1</sup> Further, counsel for Mr. Colon appears to have sought summonses as required  
17 including to: (1) Office of the Regional Chief Counsel, Region IX, Social Security Administration,  
18 160 Spear Street, Suite 800, San Francisco, CA 94105; (2) the Attorney General of the United States,  
19 950 Pennsylvania Avenue, NW, Washington DC 20530; and (3) United States Attorney's Office for  
20 the District of Nevada. If service on any of the above has not been requested, Counsel for Plaintiff  
21 is advised to seek service upon such person identified above.

22 Accordingly, IT IS HEREBY ORDERED that Plaintiff's Application for Leave to Proceed  
23 *in forma pauperis* (ECF No. 1) is GRANTED.

24 IT IS FURTHER ORDERED that Plaintiff's Complaint (ECF No. 1-1) **shall** proceed against  
25 Defendant.

<sup>28</sup> <sup>1</sup> Retention of counsel does not preclude *in formal pauperis* status. *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 342-43 (1948); *Handley v. Union Carbide Corp.*, 622 F. Supp. 1065 (S.D. W.Va. 1985).

1 IT IS FURTHER ORDERED that the Clerk of the Court **shall** detach and file Plaintiff's  
2 Complaint (ECF No. 1-1).

3 IT IS FURTHER ORDERED that the Clerk of the Court **shall** detach and issue the  
4 Summons (ECF No. 1-3).

5 IT IS FURTHER ORDERED that Defendant **shall** have **sixty (60) days** from the date of  
6 service to file his answer or responsive pleading to Plaintiff's Complaint in this case.

7 IT IS FURTHER ORDERED that, henceforth, Plaintiff **shall** serve upon Defendant a copy  
8 of every pleading, motion, or other document submitted for consideration by the Court. Plaintiff  
9 shall include with the original paper submitted for filing a certificate stating the date that a true and  
10 correct copy of the document was mailed to Defendant. The Court may disregard any paper received  
11 by a district judge, magistrate judge, or the Clerk of the Court which fails to include a certificate of  
12 service.

13 DATED this 26th day of September, 2022.

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15 ELAYNA J. YOUCAH  
16 UNITED STATES MAGISTRATE JUDGE

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